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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,728	03/03/2004	Cheul Kyung Han	1630-0369PUS1	2625

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EXAMINER	
NGUYEN, LINH THI	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
04/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/790,728	HAN, CHEUL KYUNG	
	Examiner	Art Unit	
	LINH T. NGUYEN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda (US Publication Number 20030043714).

In regards to claims 1 and 9, Takeda discloses a method and apparatus for recording data on an optical disc (Fig. 1) comprising the steps of: performing optimum power calibration on a test area of the optical disc to detect optimum writing power (Fig. 12); determining an optimum write strategy (Fig. 12); writing information on a data area

with the optimum writing power and the optimum write strategy (Fig. 13); determining whether or not a running optimal power calibration (ROPC) is necessary based on a B-level and a RF signal level detected in the writing step (Fig. 13, S412); determining whether or not a current writing power is within a predetermined ROPC range (Bo) set with reference to the detected optimum writing power (Fig. 13, S412); and performing a writing operation by increasing the writing power based on power update information when the current writing power is not within the predetermined allowable range (Paragraph [0093], lines 1-6).

In regards to claims 2 and 11, Takeda discloses the method and apparatus, wherein the step comprises the steps of comparing a current writing position with previously stored position information corresponding to the predetermined ROPC range (Bo), and determining, based on the result of the comparison, whether or not the current writing power is within the predetermined ROPC range set with reference to the detected optimum writing power (Paragraph [0090]).

In regards to claims 3 and 12, Takeda discloses the method and apparatus, wherein the position information corresponding to the predetermined ROPC range is detected based on a disc type or a writing speed associated with the optical disc (Paragraph [0084], disk type CD-R, RW and DVD-R).

In regards to claims 4 and 10, Takeda discloses the method and apparatus,

wherein the current writing position is detected from absolute time in pre-groove data detected from a wobble signal generated in association with the optical signal (Paragraph [0045]).

In regards to claims 6 and 13, Takeda discloses the method and apparatus, wherein the power update information includes power information based on position information (Paragraph [0086]).

In regards to claims 7 and 14, Takeda discloses the method and apparatus, wherein the power update information includes information about a variation in writing power (Plim) at a predetermined writing interval (Paragraph [0094]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in view of Ogawa (US Publication number 20030161237).

In regards to claim 5, Takeda discloses the method according to claim 1, wherein the predetermined ROPC range of the writing power and/or the power update

information is detected based on a disc type (Paragraph [0084]). However, Takeda does not disclose the different writing speeds to correspond to the different disc types.

In the same field of endeavor, Ogawa discloses a variety of speeds correspond to the different disc type (Figs. 5, 6, and 7). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the method of updating the OPC of a disk depending on the disc type as taught by Takeda to also depend on the speed as taught by Ogawa. The motivation for doing so would have been to record with an optimum power level at a high speed.

In regards to claims 8 and 15, Takeda does not but Ogawa discloses the method and apparatus, wherein the step of increasing the writing power based on the power update information is carried out when the writing operation is performed at a writing speed higher than an appropriate writing speed of the optical disc (Paragraph [0055] and Figs. 5, 6 and 7). The motivation is the same as claim 5 above.

In regards to claims 16 and 17, Takeda does not but Ogawa discloses the method and apparatus, further comprising performing the writing operation with the writing power controlled to maintain a reflection signal level corresponding the detected optimum writing power when the current writing power is within the predetermined allowable range (Paragraph [0039]). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method of Takeda to maintain a reflection level corresponding to detecting optimum writing power as

suggested by Ogawa. The motivation for doing so would have been to perform at an optimum recording power levels in real time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
March 24, 2008

/Wayne R. Young/
Supervisory Patent Examiner, Art Unit 2627